

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

NEIL WALKER, # 095197,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 1:14-CV-1218-WKW
)	(WO)
KARLA JONES, Warden,)	
STEVE MARSHALL, ¹ The Attorney)	
General of the State of Alabama, and)	
STATE OF ALABAMA,)	
)	
Respondents.)	

ORDER

On December 21, 2016, the Magistrate Judge filed a Recommendation. (Doc. # 23.) On January 9, 2017, Petitioner Neil Walker filed objections. (Doc. # 24.) The court has conducted an independent and *de novo* review of those portions of the Recommendation to which objection is made. *See* 28 U.S.C. § 636(b).

Petitioner's objections do not offer any substantive legal or factual argument concerning the critical finding of the Magistrate Judge: that the court lacks jurisdiction over the petition because it is a successive petition filed without the required certificate from the Eleventh Circuit Court of Appeals. The record supports

¹ Steve Marshall succeeded Luther Strange as Attorney General. Therefore, Steve Marshall is automatically substituted for Luther Strange as a Defendant by operation of Rule 25(d) of the Federal Rules of Civil Procedure.

the Magistrate Judge's findings and conclusions of law.

Accordingly, it is ORDERED as follows:

- (1) The Recommendation (Doc. # 23) is ADOPTED.
- (2) Petitioner's objections (Doc. # 24) are OVERRULED.
- (3) This action is DISMISSED for lack of jurisdiction because Petitioner failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing this court to consider his successive § 2254 petition.

A separate final judgment will be entered.

DONE this 13th day of April, 2017.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE